

NJDEP CLEANUP STAR OVERSIGHT AGREEMENT

This Cleanup Star Oversight Agreement (“CSOA”) has been developed so that persons interested in conducting a cleanup of eligible property using a Cleanup Star can apply to do so. The Department of Environmental Protection will provide oversight as long as the Department finds the property eligible for the Cleanup Star Program and receives the fixed costs indicated below for its review. This Agreement must be completed in its entirety by the remediating party and/or the party’s authorized agent (hereinafter “Applicant”), and shall include a fully executed copy of the attached Certification. The Department cannot process any application unless all the information requested is completed, all questions are answered to the satisfaction of the Department and the application is notarized. Once completed, the application must be submitted to the following address:

Cleanup Star Program
NJDEP, Office of Brownfield Reuse
PO Box 028
Trenton, NJ 08625-0028

The Department will review this application and will respond in writing, within thirty (30) calendar days from receipt of the application, executed by Applicant and acknowledged by Applicant’s Cleanup Star consultant, as to whether the application is administratively complete and is otherwise acceptable for an eligible property. This application can become a binding CSOA, as indicated below.

Answer all questions as completely as possible. If you have any questions when completing this form, it is recommended that you contact the Cleanup Star Administrator at (609) 292-1251 between the hours of 9:00 AM and 5:00 PM for assistance.

This Agreement is entered into pursuant to the authority vested in the Commissioner of the New Jersey Department of Environmental Protection (hereinafter “the Department” or “NJDEP”) by N.J.S.A. 13:1D-1 et seq.; the Brownfield and Contaminated Site Remediation Act, N.J.S.A. 58:10B et seq.; the Water Pollution Control Act, N.J.S.A. 58:10A-1 et seq.; the Solid Waste Management Act, N.J.S.A. 13:1E-1 et seq.; the Industrial Site Recovery Act, N.J.S.A. 13:1K-6 et seq.; the Spill Compensation and Control Act, N.J.S.A. 58:10-23.11 et seq.; and the Underground Storage Tank Act, N.J.S.A. 58:10A-21 et seq.

This oversight document is to be used as a formal request for Department oversight of cleanup activities pursuant to the Cleanup Star Program requirements and the Procedures for Department Oversight of the Remediation of Contaminated Sites (N.J.A.C. 7:26C et seq.) and for the Department’s review of reports submitted pursuant to the Technical Requirements for Site Remediation (N.J.A.C. 7:26E et seq.), as well as other applicable regulations.

Cleanup Star Oversight Agreement Application

*** For Sites at which in the past use has been solely residential, complete only paragraphs 1, 2, 3, 4, 5, 8, 9, 10, 13, 14, 17, 18, 21, 22, 23, 24, 25, 26 and the attached Certification.**

1. Site Name _____
Street Address _____ Zip Code _____
Municipality _____ County _____

List all tax block and lot numbers that are the subject of this Cleanup Star Oversight Agreement

(hereinafter, the Site): _____

Latitude _____ Longitude _____ Acreage _____

Geographic boundaries _____

EPA ID # (if applicable) _____

DEP incident # (if applicable) _____

2. Full Name of Applicant _____
Address _____
City _____ State _____ Zip Code _____
State of Incorporation or State of Partnership Formation, where applicable _____
Corporate Status _____
Telephone# _____ Email Address _____

3. Indicate phase(s) of the remediation and the document(s) being submitted to the Department for Cleanup Star review:

<u>REMEDIAL PHASE</u>	<u>DOCUMENTS</u>	<u>Fixed Oversight Costs</u>
<input type="checkbox"/> Preliminary Assessment	<input type="checkbox"/> Preliminary Assessment Report	\$250.00
<input type="checkbox"/> Site Investigation	<input type="checkbox"/> Site Investigation Report	\$500.00
<input type="checkbox"/> Remedial Investigation/Remedial Action	<input type="checkbox"/> Remedial Action Report	\$500.00
<input type="checkbox"/> Remedial Investigation/Remedial Action	<input type="checkbox"/> Remedial Action Report	\$1,000.00
(For with Underground Storage Tanks regulated under N.J.A.C. 7:14B)		

4. Current Use: Agricultural _____ Industrial _____ Undeveloped _____ Residential _____
Commercial _____ Other _____

5. Current Site Owner(s)

Name(s) _____

Firm _____ Telephone # _____

Street Address _____

Municipality _____ State _____ Zip Code _____

6. Current Business Operator(s)

Name(s) _____

Firm _____

Telephone # _____ Street Address _____

Municipality _____ State _____ Zip Code _____

Type of Operation(s) _____

Indicate if any past or present operations at the Site are subject to the Industrial Site Recovery Act ("ISRA"): _____

7. Current Business Owner(s)

Name(s) _____

Firm _____ Telephone # _____

Street Address _____

Municipality _____

State _____ Zip Code _____

8. Provide the information requested below on the previous owners of the Site and any tanks at the Site, and identify the entities that operated at the Site.

Name	Indicate if		
	Owner or Operator	From (Date)	To (Date)
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

9. For those former Owner(s) and/or Operator(s) identified above in Paragraph 8, provide a brief discussion of all operations at the Site, including but not limited to types of operations, materials used, waste generated, and waste disposal techniques.

10. Are there currently, or have there ever been, any Deed Notices or Declarations of Environmental Restriction pursuant to N.J.S.A. 58:10B-1 et seq. and N.J.A.C. 7:26E-1 et seq. for the Site?

Yes ____ No ____ Unknown ____

If yes, please identify the name of the site as it was identified in that institutional control, the address, all lot and block numbers and any EPA ID numbers (if applicable) associated with the site. Also attach and submit copies of all such institutional controls.

11. Are there currently, or have there ever been, any hazardous substances as defined by N.J.S.C. 58:10-23.11 et seq., or pollutants as defined by N.J.S.A. 58:10A-1 et seq. that were used, treated, stored, disposed of or discharged at the Site? Yes ____ No ____ Unknown ____

12. Are there currently, or have there ever been, any hazardous wastes as defined by N.J.A.C. 7:26G-16 et seq., that were used, generated, treated, stored, disposed of or discharged at the Site?

Yes ____ No ____ Unknown ____

13. Are there currently, or have there ever been, any above or below ground storage tanks at the Site? [If yes, explain fully, identify tank owners and operators and indicate how tanks were addressed or will be addressed]. Yes ____ No ____ Unknown ____

14. Are there now, or have there been, any discharges of "contaminants" at the Site, as defined in N.J.A.C. 7:26E, that impact groundwater? Yes ____ No ____ Unknown ____

15. Do you view the Site as a "brownfield"? Explain the basis and indicate whether the remediation activities

for the Site are being conducted pursuant to this CSOA are for the purpose of property redevelopment, reuse or preservation: _____

16. What is (are) the intended future use(s) of the Site and the anticipated date when such use(s) will be initiated?

17. Describe briefly the major types of contaminants found at and/or emanating from the Site, and the affected media.

18. Describe in detail how the contamination came to exist at the Site. For example, were there past spills, landfill operations, leaking industrial septic systems, leaking USTs, deposition of fill material, etc.?

19. List any civil or criminal actions taken against any owner, operator or others associated with the Site for alleged violations of any environmental laws or statutes.

Check here if no violations or alleged violations. []

Date of action _____

Type of enforcement action _____

Section of law or statute allegedly violated _____

Briefly summarize all alleged environmental violations; identify the individual, company, agency or other entity that initiated the action; and explain how the action was resolved.

20. List all permits (state, federal, local) currently associated with the Site.

21. Has a Grant or Loan Application been filed with the Department in connection with the Site?

If yes, indicate the applicable statute, date of application and status of application.

If no, will any applications for financial assistance be filed in the future?

22. Has an application for a Redevelopment Agreement pursuant to the New Jersey Brownfield Act, N.J.S.A.. 58:10B-27, been filed with the NJ Commerce Commission and NJ Treasury Department for the Site? Yes ____ No ____ Date of application: _____

23. Is the Site located in a Neighborhood Empowerment Zone as defined in P.L. 1996.c.62 (New Jersey Urban Redevelopment Act) or in any neighborhood or community that may entitle the property to treatment as a redevelopment area or any related type of site that may qualify for financial assistance, preferred tax status or other preferential treatment? Yes ____ No ____ Unknown ____

24. Is the Site currently, or has it ever been, under the oversight of any program within the New Jersey Department of Environmental Protection? Yes ____ No ____
If Yes, explain. Also indicate all NJDEP case numbers and case manager names, incident numbers and dates and also attach copies of any NJDEP oversight documents in addition to this CSOA.

25. Has NJDEP ever issued a no further action letter ("NFA") for any portion of the Site? If so, attach and submit copies of all such NFAs. Yes ____ No ____

26. Is Applicant a prospective purchaser of the Site? If so, indicate the anticipated date of property acquisition. Yes ____ No ____ Anticipated Acquisition Date: _____

27. Is there a landfill (regulated or non-regulated) on Site or has there ever been a landfill at this Site?
Yes ____ No ____

28. Is the Site listed on, or proposed for listing on, the National Priorities List? Yes ____ No ____

29. Has Applicant been ordered or directed by any agency or by a court to perform or fund remediation of the Site? If so, explain and attach all such Orders and Directives. Yes ____ No ____

30. Has an ISRA letter of Non-Applicability been issued by NJDEP for the Site? Yes ____ No ____

If so, attach and submit such letter. If not, either explain why such a letter is not applicable to the Site for NJDEP's review and/or submit, along with the appropriate ISRA fee(s), a request for issuance of a ISRA letter of Non-Applicability.

Notice: This Cleanup Star Oversight Agreement will become effective and binding as an Agreement when the applicable fixed costs have been received by NJDEP, and when the CSOA has been fully executed by: (1) Applicant and (2) Applicant's selected Cleanup Star. The NJDEP CSOA is not intended to authorize waiver of any other remediation obligations that any person may possess, whether or not those obligations are memorialized in other oversight documents, including but not limited to all obligations of remediating parties to obtain permits and to submit documentation and fees pursuant to the Department's various regulations, wherever applicable.

CERTIFICATION:

I, _____, hereby certify that I possess the authority apply on behalf of and bind Applicant to this Cleanup Star Oversight Agreement with NJDEP, and I further certify as follows:

- Applicant understands and agrees to the terms of NJDEP's Cleanup Star Program with respect to the property indicated by blocks and lots in Paragraph 1. of this Application.
- Applicant has been truthful in this Application.
- Applicant hereby submits the required non-refundable fixed costs, pursuant to Paragraph 3 above, and agrees not to contest those costs or this Agreement.
- Applicant understands and agrees that payment of fixed costs pursuant to the Cleanup Star Program for NJDEP's expedited review of submittals for a preliminary assessment, site investigation and/or remedial activities performed by applicant using a Cleanup Star consultant will not relieve a remediating party from any additional regulatory fees that may be due and owing the Department pursuant to other programs, including but not limited to fees related to closure of regulated underground storage tanks or ISRA Remediation Agreement applications.
- Applicant understands and agrees that NJDEP is not responsible for Applicant's Cleanup Star selection and that NJDEP is not a party to financial arrangements between Applicants and their consultants.

The Certification shall be signed by a high-ranking individual with overall legal responsibility for implementing the Applicant's remediation, as follows:

- For a corporation, by a principal executive officer of at least the level of a Vice President;
- For a partnership or sole proprietorship, by a general partner or the proprietor; and
- For a Municipality, State, Federal or other public agency, either by a principal executive officer or ranking elected official.

A duly authorized representative of those persons described above may also sign the Certification. A person is a duly authorized representative if:

- The authorization is made in writing by a person described above;
- The authorization specifies either an individual or a position having a responsibility for the overall operation of the Site or activity, such as the position of plant manager, or a superintendent or person of equivalent responsibility (a duly authorized representative may thus be either a named individual or an individual occupying a named position); and
- The written authorization is submitted to the Department.

Note: If the authorization is no longer accurate because a different individual or position later takes responsibility for the overall operation of the facility, a new authorization satisfying the requirements of this subsection shall be submitted to the Department prior to or together with any reports, information or applications to be signed by an authorized representative.

Applicant, through its signatory, hereby certifies that it is fully aware of the requirements of NJDEP's Cleanup Star Program and this CSOA. Further, Applicant agrees to pay the Department's fixed oversight costs for the Department's review of any Cleanup Star Program submissions pursuant to this CSOA, and also agrees not to contest those costs, the Cleanup Star Program or this Agreement.

APPLICANT/REMEDIATING PARTY:

Date: _____ By: (signature) _____
Print Full Name Signed Above: _____
Title: _____

Sworn to and subscribed before me this _____ day of _____, 200_.

Notary Public (application must be notarized)

By: (signature) _____

CLEANUP STAR CONSULTANT ACKNOWLEDGEMENT:

I have been pre-qualified by NJDEP as a Cleanup Star and have not since been removed from the Cleanup Star list. This CSOA Applicant has retained my services as consultant for the remediation indicated in this Application/CSOA.

Date: _____ By: (signature) _____
Print Full Name Signed Above: _____
Title: _____
Employer: _____

NEW JERSEY DEPARTMENT OF ENVIRONMENTAL PROTECTION:

Date: _____ By: (signature) _____
Print Full Name Signed Above: _____
Title: _____
NJDEP, Cleanup Star Program